

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

WILLIAM L. RESPESS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 6:24-cv-00028-NKM
)	
VMI ALUMNI ASSOCIATION,)	
)	
Defendant.)	
)	

UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF 25 PAGES

Defendant VMI Alumni Association (“VMIAA”), by counsel, and pursuant to Rule Local Civil Rule 11(c)(2), hereby moves the Court for leave to file a brief in excess of 25 pages. In support of this Motion, VMIAA states as follows:

1. Plaintiffs filed their Amended Complaint on June 10, 2024. Dkt. No. 4.
2. There are 28 Plaintiffs. The Amended Complaint is 50 pages long, containing 134 substantive paragraphs and 21 “Wherefore” paragraphs. It alleges civil rights claims under 42 U.S.C. § 1983 (Counts One and Two), violation of Virginia’s business conspiracy statute (Count Three), and that certain actions of VMIAA were *ultra vires* under the Virginia Nonstock Corporation Act (Count Four).
3. VMIAA’s response to the Amended Complaint is due by July 23, 2024. Dkt. No. 11. As its response, VMIAA intends to file a motion to dismiss.
4. VMIAA understands that a provision in the Court’s standard Pretrial Order (Paragraph 8) states: “Exclusive of any accompanying exhibits, a brief may not exceed 25 pages in length using standard margins, double-spaced lines, and a font no smaller than 12-point Times,

unless the filing party first obtains leave of the court after showing good cause why a longer brief is necessary.”

5. VMIAA is currently working on its draft brief in support of the motion to dismiss, and anticipates needing in excess of 25 pages. Although a Pretrial Order has not yet been entered in this case, out of an abundance of caution, VMIAA seeks leave of Court to file a longer brief.

6. There is good cause for this request. VMIAA believes that a longer brief is necessary to adequately address the breadth and complexity of the Amended Complaint’s allegations and claims, as well as the expected multiple grounds for its motion to dismiss arguments. While VMIAA is endeavoring to be as efficient as possible, it further believes that a longer brief will assist the Court in resolving the forthcoming motion to dismiss.

7. For the above reasons, VMIAA seeks leave to file a brief in support of its forthcoming motion to dismiss of up to 50 pages.

8. By counsel, Plaintiffs do not oppose VMIAA’s request.

9. A proposed order is attached to this Motion and will also be emailed to the Court.

WHEREFORE, Defendant VMIAA respectfully requests that the Court grant this unopposed Motion, and grant it leave to file up to a 50-page brief in support its forthcoming motion to dismiss.

Respectfully submitted,

VMI ALUMNI ASSOCIATION.

/s/ Michael J. Finney
W. David Paxton (VSB No. 19798)
Michael J. Finney (VSB No. 78484)
William L. Spotswood (VSB No. 97239)
GENTRY LOCKE
10 Franklin Road, S.E., Suite 900

Roanoke, VA 24011
(540) 983-9374
Fax: (540) 983-9400
paxton@gentrylocke.com
finney@gentrylocke.com
spotswood@gentrylocke.com

Counsel for VMI Alumni Association

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record.

/s/ Michael J. Finney